

Practitioner's Docket No. 49674 (72024)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Proost et al.

Serial No.: 09/537,858 Group No.: 1636
Filed: March 28, 2000 Examiner: I. Gansheroff
For: AMINO-TERMINALLY TRUNCATED RANTES AS CHEMOKINE
ANTAGONISTS

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY, AND/OR
AMENDMENT PERTAINING THERETO FOR BIOTECHNOLOGY INVENTION
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE

(check and complete this item, if applicable)

1. ☒ This replies to the Office Action mailed January 23, 2001

☒ A copy of the Office Letter is enclosed.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the
Assistant commissioner for Patents, Washington, D.C. 20231

37 CFR 1.8 (a)

37 CFR 1.10*

☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to
Addressee"

Mailing Label No. (mandatory)

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: February 21, 2001

Signature

Laura M. McGuire
(type or print name of person certifying)

*WARNING Each paper or fee filed by Express Mail must have the number of the

IDENTIFICATION OF DECLARANT

2. I, Cara Z. Lowen
(type or print name of declarant signing below)

state the following:

ITEMS BEING SUBMITTED

- 3 Submitted herewith is/are

(check each item as applicable)

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.: /
Filed:
For:

Group No.:
Examiner:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form
(other application)

"Sequence Identifier"
(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified" 37 C.F.R. 1.821(e)

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).
- ☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).
- F. ☒ Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.
- ☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

STATEMENT THAT "SEQUENCE LISTING" AND COMPUTER READABLE COPY ARE THE SAME AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER

4. I hereby state:
- (complete applicable item A and/or B)*
- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

VERIFICATION

5. NOTE: "Such a statement must be verified statement if made by a person not registered to practice before the Office." 37 C.F.R. § 1.821(f) and (g).
- ☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

STATUS

6. Applicant is
- ☐ a small entity. A verified statement:
- ☐ is attached.
- ☐ was already filed
- ☐ will follow

EXTENSION OF TERM

7.

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)-If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run. Notice of Dec. 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

8. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b) as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)-(d)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 380.00	\$ 190.00
<input type="checkbox"/> three months	\$ 870.00	\$ 435.00
<input type="checkbox"/> four months	\$ 1,360.00	\$ 680.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for ___ months has already been secured. The fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request \$ -0-

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE PAYMENT

- 9 ☐ Attached is a check in the sum of _____
☐ Charge Account No. 04-1105 the sum of \$ _____

FEE DEFICIENCY

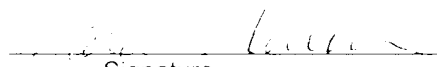
10.

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

11. ☒ If any additional extension and/or fee is required, charge
Account No. 04-1105

SIGNATURE(s)

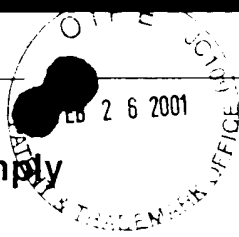
Cara Z. Lowen
(type or print name of person signing declaration)


Signature

EDWARDS & ANGELL, LLP
130 Water Street
Boston, MA 02109
Telephone No. (617) 523-3400

- ☐ Inventor(s)
☐ Assignee of complete interest
☐ Person authorized to sign on behalf of assignee
☐ Practitioner of record
☒ Filed under Rule 34(a)
☒ Registration No. 38,227
☐ Other _____
(specify identity of declarant)

Notice to Comply



Application No.

09/537,858

Examiner

Lisa J. Gansheroff

Applicant(s)

PROOST ET AL.

Art Unit

1636

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

RECEIVED

MAR 06 2001

TECH CENTER 1600 2900

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance

703-287-0200

PLEASE RETURN A COPY OF THIS NOTICE TO THE OFFICE OF ACTION



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

5

DATE MAILED



Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

09/537858

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

All sequences in the specification must be listed in the Sequence Listing and must comply with the requirements of 37 CFR 1.821 - 1.825. Additionally, Applicants are reminded that in accordance with the Requirements, all sequences in the specification should be identified with a SEQ ID NO in the text; sequences in drawings can be identified with a SEQ ID NO in the description of the drawing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Gansheroff whose telephone number is (703) 605-1203. The examiner can normally be reached on Monday - Friday, 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Schwartz can be reached at (703) 308-1133. The fax number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the patent clerk whose telephone number is (703) 305-3388 or to the receptionist whose telephone number is (703) 308-0196.

Remy Yucel
REMY YUCEL, PH.D
PRIMARY EXAMINER